IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO :18331 of 2005

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Dated: 21st November 2005.

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Between:

B.Shanmukeswara Rao

..... PETITIONER

AND

The District Collector, Panchayat Wing, Ongole, Prakasam District and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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W.P.NO.18331 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice Ramesh Ranganathan)

The present writ petition is filed questioning the order of the Andhra Pradesh Adminitrative Tribunal, in O.A.No.3407 of 2005 with V.M.As.No.474, 481, 501 and 491 of 2005 dated 11th August 2005, whereby the Tribunal rejected the petitioner's challenge to an order of transfer holding that transfer is an incidence of service and that the applicant had been transferred keeping in view the guidelines issued in G.O.Ms.No.144, dated 7th June 2005. The only contention raised, before us, by Mr. M.Surender Rao, learned counsel for the petitioner, is that as per Rule 6 of the Andhra Pradesh Panchayat Raj (Panchayat Secretary) Subordinate Service Rules, (for short 'the Rules'), notified vide G.O.Ms.No.2951 PR & RD (MDL.II) Department, dated 2-8-2002, the Competent Authority to effect transfer is the District Collector and since the present transfer order is passed by the District Panchayat Officer and not the District Collector, the impugned order of transfer, was an order passed without jurisdiction.

The learned Government Pleader for Services-I produced the record before this Court from which it is clear that while the District Collector had, in the note file, accorded necessary approval for the orders of transfer, the same was communicated by the District Panchayat Officer.

Having perused the relevant proceedings, we are satisfied that the transfer was effected, pursuant to the order passed by the District Collector, who under Rule 6 of the Rules, is the competent authority in this regard.

In the circumstances, the order of the Tribunal does not call for any interference. The writ petition is dismissed at the stage of admission. No costs.

J.Chelameswar, J

Ramesh Ranganathan, J

21st November 2005

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